

## **Chesapeake Bay Preservation Act Regulatory Framework**

### **November 22, 2010**

1. Designate Chesapeake Bay Preservation Areas(CBPA) (Virginia Administrative Code: 9VAC10-20-70)
  - a. Resource Protection Area (RPA) (9VAC10-20-80)
    - i. “nontidal wetlands connected by surface flow and contiguous to water bodies with perennial flow”
    - i. “such other lands considered by the local government to . . . be necessary to protect the quality of state waters;”
    - ii. “buffer area not less than 100-feet in width”
  - b. Resource Management Area (RMA) (9VAC10-20-90)
    - i. “Jurisdiction-Wide” or “Feature-Based”
2. General CBPA Map (9VAC10-20-10.1)
3. Site-Specific Refinement of CBPA Boundaries (RPA Delineation) (9VAC10-20-105)
  - a. RPA delineation required at time of Plan of Development
4. 11 Performance Criteria (9VAC10-20-120)
  - a. Minimize Land Disturbance
  - b. Preserve Indigenous Vegetation
  - c. *BMP Maintenance (already required)*
  - d. Plan of Development (2,500 sf land disturbance)
  - e. Minimize Impervious Cover
  - f. Grading Permit (2,500 sf land disturbance)
  - g. Septic Pump-Out (5 years)
  - h. *Stormwater Management (already required)*
  - i. *Ag Soil and Water Quality Conservation Assessments (not selected by Board)*
  - j. Silvicultural Exemption
  - k. *Evidence of Wetland Permits Prior to Grading (already required)*
5. Water Quality Impact Assessment (WQIA) (9VAC10-20-130.1.a & 9VAC10-20-130.6)
  - a. Required for any proposed disturbance in the RPA except Exempt Uses
    - i. “to identify the impacts of proposed development on water quality and lands in the Resource Protection Areas consistent with the goals and objectives of the Act, this chapter, and local programs, and to determine specific measures for mitigation of those impacts.”
6. Development Criteria in RPAs (9VAC10-20-130)
  - a. Permitted Uses
  - b. Exemptions
  - c. Administrative Waiver for Loss of a Buildable Area
  - d. Permitted Agricultural Buffer Modifications (9VAC10-20-130.5.b)
7. Nonconformities, Exemptions, Exceptions (9VAC10-20-150)
  - a. Road/Utility RPA Exemptions
  - b. Exception Process (public hearing) and Required Findings
  - c. Administrative Waiver for Minor Additions